

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NETFLIX, INC.,

Case No. C-06-2361 WHA (JCS)

Plaintiff(s),

v.

**ORDER RE DEFENDANT'S
REDACTION OF BOARD MINUTES**

BLOCKBUSTER, INC.,

Defendant(s).

Without objection from Plaintiff, Defendant submitted to the Court minutes of the Board of Directors of Blockbuster, Inc. for *in camera* review. Along with those minutes, Defendant submitted to the Court a redaction log of Blockbuster's Board of Directors' minutes indicating the privilege or other protection asserted with respect to each proposed redaction. The Court has reviewed the Board of Directors' minutes in detail and has also reviewed each of the proposed redactions.

The Court agrees with the grounds asserted for all of the redactions except those set forth in the next paragraph. Defendant has asserted that the redacted materials are not relevant to the subject matter of this action, and also contain highly sensitive trade secrets or personal and private financial and other information. With respect to those redactions, except as set forth in the next paragraph, the Court agrees that the redacted material has nothing to do with this lawsuit and contains sensitive financial information. Lastly, there are several redactions based on the assertion of the attorney-client privilege, and the Court finds that the privilege has been properly applied and those redactions are also appropriate, except as set forth below.

1 However, the following redaction numbers¹ were improperly redacted. The Court finds that
2 the information redacted is not protected by any privilege and is reasonably calculated to lead to the
3 discovery of admissible evidence. Accordingly, Defendant shall produce in unredacted form the
4 materials covered by the following redaction numbers: 2, 11, 24, 37, 38, 65, and 126. The Court
5 notes that the attorney-client privilege was improperly asserted with respect to redaction number
6 174. However, the information contained in that paragraph has nothing to do with this lawsuit.

7 IT IS SO ORDERED.

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9 Dated: April 23, 2007

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12 JOSEPH C. SPERO
13 United States Magistrate Judge
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28 ¹ In the redaction log, Defendant refers to each of its redactions by number. The Court has
adopted this nomenclature.